



OLR RESEARCH REPORT

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(Revised)

REPORT OF THE SHORELINE PRESERVATION TASK FORCE

By: Kevin E. McCarthy, Principal Analyst

You asked that we prepare the report of the Shoreline Preservation Task Force. A legislative [website](#) has links to the presentations and videos of the meetings.

INTRODUCTION FROM THE CHAIR

Since the formation of the Shoreline Preservation Task Force in February 2012, we have collectively learned a great deal about the complexity of the issues relating to sea level rise, storm impacts, and coastal flooding. We understand that these issues are timely and important – I do not think anyone could have imagined that Connecticut would have been hit with a storm like Sandy just a year following the storms of August and October 2011.

Our task is a daunting one and is by no means complete with the issuance of this report. We must continue to take a measured approach when considering short-, medium-, and long-term solutions, and future legislatures must monitor these considerations with vigor.

Throughout our tenure, the focus of the task force has not been on the causes of climate change, but rather on review of actual historical trends in sea level rise, extreme weather events, and other measures. The recommendations in this report are based on the information we learned at our presentations and public hearings.

Thank you to task force members, staff, and all of those who have provided information to our panel. Please see the Appendices or view our website for further information.

Sincerely,

James Albis
Chairman

FORMATION

In February 2012, House Speaker Christopher G. Donovan formed a bipartisan task force to study and make legislative recommendations on storm impacts on shoreline homeowners and businesses. He also charged the task force, chaired by Representative James Albis, with looking at the impact of climate change on efforts to preserve shoreline communities. Appendix A lists the task force members.

The task force was asked to make recommendations for legislation to:

1. assist those rebuilding and recovering from the 2011 storms;
2. develop new policies to address the needs of shoreline and waterfront residents and businesses regarding shoreline erosion, rising sea levels, and future storm planning; and
3. ensure that these policies complement existing laws regarding emergency communications between towns and the state, utility company preparedness, response and accountability, and insurance issues.

PUBLIC HEARINGS

The task force held public hearings on July 9, 2012 at Blackstone Library in Branford; July 23, 2012, at the Penfield Pavilion in Fairfield; and August 6, 2012 at the UConn Avery Point Campus in Groton. All of the hearings were held in the evening. Appendix B presents a brief summary of each public hearing.

MEETINGS

The task force held eight meetings in 2012, with presentations from a wide variety of parties, including state and federal agencies, insurers, realtors, engineering firms, and environmental organizations as summarized in Appendix C.

RECOMMENDATIONS

The task force issued a wide range of recommendations regarding DEEP, coastal structures, municipalities and land use, insurance and real estate, climate change and sea level rise, and education, among other things. Except where indicated, the recommendations are unanimously supported by the task force.

DEEP and Coastal Structures

Members of the task force recommend:

1. that DEEP develop a user-friendly “best practices guide” for permitting coastal structures and repair work, for use by homeowners, developers, and municipalities, for both print and online, and submit it to the task force for review;
2. that DEEP streamline its permitting process for seawalls and other coastal structures (not unanimous);
3. pre-authorizing property owners to reconstruct storm-damaged coastal structures to pre-existing conditions, if the structure was previously legally authorized;
4. improving collaboration between DEEP and municipalities to increase consistency and consumer-friendliness (not unanimous);
5. improving enforcement of existing regulations to reduce the number of illegal coastal structures; and
6. encouraging shoreline neighborhoods and coalitions, perhaps through regional planning organizations, to work together to create solutions that work for the greatest number (including investigating the pilot program for low-impact approaches for shoreline protection detailed in section 10 of PA 12-101), rather than merely allowing individual property owners to take actions that could harm their neighbors.

Municipalities and Land Use Regulation

Members of the task force recommend:

1. providing incentives for municipalities to plan for the effects of sea level rise on public infrastructure (not unanimous);
2. amending PA 12-101 to more explicitly require municipalities to consider sea level rise (based on a consistent set of data) and climate change adaptation in their plans of conservation and development;
3. examining the ability to expedite DEEP responses to applications as well as examining a more meaningful response to said applications upon denial by DEEP and to determine if DEEP will relinquish certain applications to local authority;
4. increasing financial assistance to municipalities and nonprofit land conservation groups to acquire open space and watershed land for passive or active recreation, tidal wetland preservation, conservation of coastal marine habitats, flood control, and adaptation to climate change and sea level rise;
5. requiring local zoning codes to reflect the “new realities” of sea level rise and new flood elevations, and provide for staged adaptation to them, and allow municipalities and the state to consider sea level rise as it may impact a site or site access, as a factor in making decisions regarding natural resources in coastal site plan or public health permit reviews for sub-surface sewage disposal;
6. including detailed assessments of shoreline town’s evacuation and sheltering capabilities in municipal Hazard Mitigation Plans to ensure there are mechanics and facilities to handle future emergency and storm crises; and
7. requiring that propane and other fuel tanks be secured prior to an extreme storm event.

Insurance and Real Estate

Members of the task force recommend:

1. increasing the transparency of insurance policies, including clear wording to advise the insured that a policy does not provide coverage for flood insurance, identifying when hurricane deductibles apply, and requiring insurance companies to inform the insured at each renewal whenever a percentage deductible is on their policy describing how the deductible would be applied at the time of loss;
2. requiring the Insurance Department to serve as a facilitator and liaison among insurance companies and FEMA to expedite the paperwork associated with paying for storm-related damages and repairs;
3. encouraging private insurance companies and other stakeholders to develop a list of incentives to encourage homeowners and small businesses to take measures to mitigate hurricane or major storm impacts (such as appropriate retrofits), possibly in the form of actuarially supported insurance premium credits;
4. identifying and informing property and business owners whose properties are in flood zones following the implementation of new FEMA flood maps, so they are aware of the risks and understand the importance of flood insurance;
5. requiring condominium associations in FEMA flood zones to purchase adequate flood insurance to cover individual units and common property and maintain FEMA-required paperwork;
6. requiring full disclosure in real estate sales transactions of home additions or construction elements that are not fully authorized or have not been given the proper certificate of occupancy; and
7. changing real estate disclosure laws to require property owners to disclose if a property is located in a high erosion area or a Federal Emergency Management Agency (FEMA) coastal flood zone.

Climate Change and Sea Level Rise

Members of the task force recommend:

1. engaging Connecticut academic institutions and non-profits, in conjunction with DEEP and federal agencies, to conduct research and guide development of technology and best management practices from Connecticut municipalities and other states to enhance the resilience of coastal communities from coastal hazards and a rise in sea level, and investigate incentives to become more resilient;
2. identifying the economic and workforce development opportunities associated with climate change adaptation and mitigations strategies;
3. developing computer mapping applications to help envision impacts based on different scenarios of sea level changes and storm activity and strengthen or moving infrastructure assets currently in harm's way;
4. preparing a shoreline map identifying high hazard areas that are vulnerable to extreme weather conditions and rising sea levels, and compiling a statewide coastal infrastructure inventory to assess the risks of infrastructure in high hazard areas and identify potential adaptation strategies;
5. developing historical mapping of changes in shoreline including measurements of erosion, transport, and accretion rates;
6. adopting legislation to provide clear guidance to DEEP to consider climate change adaptation strategies in coastal permitting;
7. adopting legislation to require sea level rise to be addressed in the design for construction or upgrade of sewage treatment plants or supporting infrastructure financed by the state's Clean Water Fund;
8. amending the statutory definition of "rise in sea level" for planning purposes, to enable planners to consider projected increases in the rate of sea level rise based on NOAA data; and
9. require DOT to develop a plan for addressing the impacts of climate change on transportation infrastructure.

Education and Information Resources

Members of the task force recommend:

1. implementing an aggressive statewide education campaign to capitalize on the raised awareness after Irene and Sandy of the impacts of climate change and sea level rise on the state's economy and shoreline;
2. developing a Connecticut coastal resource and research center to provide public service information on coastal issues;
3. developing education programs to promote rain gardens and similar measures.

Financial Assistance for Property Owners

Members of the task force recommend:

1. providing low interest loans to help property owners improve resiliency (not unanimous); and
2. exploring creation of a program or fund to compensate and assist property owners with relocation (not unanimous).

Open Space and Protected Lands

Members of the task force recommend:

1. appointing a group to identify high priority open space acquisition areas that could buffer storm surge and address marsh migration.

Building Code

Members of the task force recommend:

1. ensuring that state-of-the-art building resiliency standards are incorporated in the state building code and
2. requiring more aggressive updates to the building code to reflect sea level rise and increased flooding risks.

APPENDIX A

Committee Membership

Representative James Albis (chair)
Senator Len Fasano
Senator L. Scott Frantz
Senator Edward Meyer
Representative Jim Crawford
Representative Noreen Kokoruda
Representative Brenda Kupchick
Representative Philip Miller
Representative Lonnie Reed
Representative Elizabeth Ritter
Representative Kim Rose
Representative Richard Roy
Representative Jonathan Steinberg
Representative Patricia Widlitz
Representative Terrie Wood
Representative Elissa Wright
Jennifer E. O'Donnell, Coastal Ocean Analytics
John Plante, Langan Engineering & Environmental Services
David Sutherland, The Nature Conservancy
Andy Weinstein, East Haven and Woodbridge
Joseph P. Williams, Shipman & Goodwin

APPENDIX B

Public Hearing Summaries

BRANFORD

Approximately 70 people attended the Branford hearing and about 20 people spoke. Among the issues raised at the hearing were delays by the Department of Energy and Environmental Protection (DEEP) that prevented homeowners from rebuilding after Irene. On the other hand, some homeowners and environmental advocates warned that lax development regulations threatened to make flood damage worse in the future or even poison Connecticut's water. Some homeowners said they had faced damage done by neighbors' seawalls, and environmental advocates warned of the potential risk of building a sea wall. Others said they only wanted to rebuild their existing sea wall. Another issue raised was the impact of storms on local roads.

FAIRFIELD

The Fairfield hearing was attended by approximately 40 people. Among those speaking was a member of Fairfield's Flood Erosion Control Commission who argued that regulatory hurdles, lack of regulation enforcement, and excessive red tape continue to hinder residents' ability to protect their properties and maintain the littoral ecosystems. Westport's conservation director suggested creating incentives for residents and towns to develop and maintain properties in line with more stringent environmental standards. Several area residents complained that bureaucracy at the state level, that has caused wait times as long as three years for permits to build structures that combat erosion.

GROTON

More than 40 people attended the 2½-hour hearing in Groton. Among the commentators was the owner of a local marina who noted that sea levels in Groton and Noank have risen about 9 inches over the last 60 years. He recommended that the state allow property owners to make repairs to seawalls during warm-weather months. Another commentator suggested that the state consider erosion-prevention technologies other than seawalls to figure out what is the best way to save beaches. A member of the Long Island Sound Assembly said that her group urges the state to start considering climate change when building future infrastructure projects and to update building codes to account for stronger storms.

APPENDIX C

Meeting Summaries

FEBRUARY 27

Representative Albis began the meeting by explaining the task force's charge. He stressed the need to keep people safe and the desirability of getting as much input for the task force as possible. The task force members then introduced themselves and explained their backgrounds and interests. Representative Albis then asked the members to describe their priorities and to identify possible speakers.

MARCH 27

The task force heard presentations from Rob Thieler from the U.S. Geological Services and Jennifer Pagach from DEEP concerning climate change and sea level rise data and its potential impact along the Eastern seaboard and Connecticut's shoreline.

Mr. Thieler's presentation described the scientific understanding of sea level rise. He described the results and implications of a recent federal interagency assessment of sea level rise and discussed the role of science in supporting decision-making in the face of an uncertain future.

Ms. Pagach described (1) increases in sea level and other changes in Connecticut and the sources of these changes, (2) ecosystem monitoring and modeling efforts, (3) Connecticut initiatives to mitigate and adapt to climate change, and (4) state and national resources.

The task force also discussed a summary of the priorities for the task force as submitted by the members.

MAY 23

Gerard O'Sullivan and George Bradner of the state Insurance Department, described the department's response to the 2011 storms and lessons learned. The task force also heard from Joseph MacDougald, executive director of the Center for Energy and Environmental Law at the UConn School of Law about a proposal for a workshop and forum with the center, task force, and municipal leaders in shoreline towns to discuss the challenges of sea level rise and climate change on their communities.

JUNE 6

Steven N. Weisbart of the Insurance Information Institute, discussed the history of hurricanes and other major storms in Connecticut and their impact on the insurance industry and its customers. He also discussed the status of homeowner's and flood insurance in the state.

JULY 11

Joseph Cassidy, acting state building inspector, described the process the state uses to adopt the State Building Code and how the current code is being revised.

Michael Barbero, a realtor with Huntsman, Mead & Partners and legislative chair of the Connecticut Association of Realtors, summarized the association's position on the laws governing shoreline development. The association believes that the current laws are overly extensive and that any changes to them should give due regard to the rights of property owners. Speaking for himself, he discussed what he believes are the shortcomings in the implementation of current law and suggested ways to make the regulatory process more user-friendly.

AUGUST 15

John Winkelman of the U.S. Army Corps of Engineers, described the types, functions, and applications of coastal structures such as seawalls, breakwaters, and revetments.

OCTOBER 3

Adam W. Whelchel of The Nature Conservancy described his work in Connecticut and New York. He presented the summary of findings from the climate preparedness workshops held in Bridgeport in the summer of 2012. He also described The Nature Conservancy's work in promoting coastal resilience in New York and Connecticut.

NOVEMBER 19

The task force heard presentations from a team from the engineering firm Fuss and O'Neil. Phil Moreschi described federal, state, and local laws governing land use along the shoreline. Kirk Bosma described historic and projected sea level rise and addressed the impact of sea level on civil work projects. Craig Lapinski described design requirements in various types of flood zones and the implications of PA 12-101 on future developments.

KM:ts